

### **REMARKS**

In the above-mentioned Final Office Action, all of the pending claims, claims 1-16, were rejected under Section 102(e) over *Sharma*, US-2005/0009527 A1.

Review of *Sharma* indicates that its effective date is no earlier than its filing date of June 28, 2004. As the present application has a filing date of September 29, 2003, the Applicants believe the reference to be an improper reference by which to anticipate the claims of the present application.

For the reason that the reference is an improper reference, the rejection of the claims under Section 102(e) over *Sharma* is respectfully traversed.

In spite of the foregoing, independent claims 1 and 9 have been amended, as set forth herein. Support for the amendments is found in the specification, for instance, on page 6, line 26 - page 8, line 7 and in Figures 4, 5, 6, and 7, and steps 404, 504, 604, and 704 that state, "Is the new C-RNTI included in the CUC?", and as-filed claims 5 and 13.

*Sharma* appears to relate to cell update scenarios and C-RNTI. Paragraph 84 of *Sharma* indicates that a UE transition into a duplex state from a monitoring state occurs by first entering the transition state and awaiting completion of all procedures initiated by the UE sending uplink initiation communications while in the transition state. See also, e.g., Figures 6a and 6b of *Sharma*. *Sharma*, however, is silent as to the operation of the UE when the cell update confirm message does not include a new value for the cell identifier. Thus, there is nothing in *Sharma* to suggest that, when the CUC message does not include a new value for the cell identifier and the CUC message would cause the device to enter a state that requires a UE to respond to the message before entering the state (e.g., CELL\_PCH or URA\_PCH), then the UE is arranged to send a new cell update message including a field that indicates the cause for the cell update message is cell reselection. *Sharma* appears to be limited to a situation in which a temporary identifier is received.

As claims 1 and 9 recite that, when the CUC message does not include a new value for the cell identifier and the CUC message would cause the UE device to enter a state which requires the UE device to respond to the message before entering the state, of sending a new cell update message, claims 1 and 9, as now-amended, are believed to be distinguishable over *Sharma*.

As the remaining dependent claim includes all of the limitations of its parent claim, the remaining dependent claim is believed also to be distinguishable over *Sharma* for the same reasons as those given above with respect to its parent claim.

In light of the foregoing, *Sharma* is believed to be an improper reference by which to reject the claims and, in any event, fails to disclose the subject matter recited now in the claims. Accordingly, reexamination and reconsideration of the claims, and consideration for their allowance, is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly  
Registration No. 33,922

SCHEEF & STONE, L.L.P.  
5956 Sherry Lane, Suite 1400  
Dallas, Texas 75225  
Telephone: (214) 706-4201  
Fax: (214) 706-4242  
[robert.kelly@scheefandstone.com](mailto:robert.kelly@scheefandstone.com)